IN RE: PETITION FOR SPECIAL HEARING

the c/l of York Road (813 Bosley Avenue)

S/S Bosley Avenue, 283' E of

* BEFORE THE

• DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 91-502-SPH

* * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of a two apartment dwelling on the subject property in a D.R. 16 zone, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Jan Frederick, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitioner was Paul Lee, Professional Engineer. Numerous residents of the area appeared as Protestants in the matter.

Testimony indicated that the subject property, known as 813 Bosley Avenue, consists of 0.047 acres more or less, zoned D.R. 16 and is improved with a two-story brick dwelling currently containing two apartments as depicted on Petitioner's Exhibit 8. The facts of this case are not in dispute. The subject property is located in the subdivision known as Towson Park which was recorded among the Land Records of Baltimore County on January 13, 1954. The subdivision plan was approved by the Director of the Baltimore County Planning Commission on January 7, 1954 (see Petitioner's Exhibit 2). The subject dwelling was not constructed and ready for occupancy until 1956. Testimony indicated that the house was constructed as a two apartment dwelling and this fact was verified by various documents entered into evidence by the Petitioner. The testimony clearly established that from September 1956, the subject dwelling was occupied as a two apartment dwelling from and during that time, continuously and without interruption until the present date.

The issue to be decided is when did the use of 813 Bosley Avenue as a two apartment dwelling commence. Mr. DiNenna argued on behalf of the Petitioner that the use in this instance commenced at the time that the record plat was recorded in the Land Records of Baltimore County, that date being January 13, 1954. Mr. Santangelo argued on behalf of the Towson Park Community Corporation that the use did not commence until such time as the property was deeded to Mr. & Mrs. Klenk on August 13, 1956.

Section 103.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) addresses this argument. It is clear from reading that Section and applying the past procedure of this Office that the Petitioner has enjoyed a vested right to use the subject property as two apartments since the time that the plat was recorded in the Land Records of Baltimore County on January 13, 1954. On that date, this property was zoned "D Residential" which allowed for two apartments to exist at 813 Bosley Avenue. Therefore, it is clear this property enjoys a nonconforming use as two apartments.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two apartment dwelling, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____ day of September, 1991 that the Petition for Special Hearing to approve the nonconforming use of a two-apartment dwell-

- 2-

ing on the subject property in a D.R. 16 zone, in accordance with Petitioner's Exhibits 1 and 8, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioner would be required to file a new Peti-

2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint for an alleged "rooming house" violation of the B.C.Z.R.

3) In the event the Office of Zoning Enforcement receives a complaint regarding a possible rooming house violation on the subject property, the owner of said property shall supply to the Office of Zoning Enforcement a copy of any lease agreement entered into with any tenant of the two apartments and the names of those tenants occupying said apartments.

4) This Order and these restrictions shall run with the land. The Petitioner shall cause this Order to be recorded among the Land Records of Baltimore County so that any future purchaser of this property shall have notice of this Order and the restrictions contained herein. A copy of the recorded Order shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

5) The Petitioner has thirty (30) days from the date of this Order to take an appeal of this Decision. In the event that the Petitioner does not appeal this Decision, then by virtue of no appeal being taken, the Petitioner hereby consents and agrees to be bound by the restrictions stated above.

> TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

PETITION FOR SPECIAL HEARING The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve ther or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Property is to be posted and advertised as prescribed by Zoning Regulations.

in a DR16 zone

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions. tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

non-conforming use of two (2) apartments in a single family dwelling

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

| Contract Purchaser: | Legal Owner(s): | |
|---------------------------------------|--|-----------------------------------|
| (Type or Print Name) | Jan Frederick (Type or Print Name) | i de |
| Signature | Signature | |
| Address | (Type or Print Name) | NEW
E |
| City and State | Signature | 9 |
| Attorney for Petitioner: | | 7.20 |
| S. Edic DiNenna, Esquire | 118 E. Timonium Road Address | Phone No. |
| Signature | Timonium, MD 21093
City and State | <u> </u> |
| 409 Washington Ave., Ste. 600 Address | Name, address and phone number of tract purchaser or representative to | legal owner, con-
be contacted |
| Towson, MD 21204 City and State | S. Eric DiNenna, Esqu
Name
409 Washington Ave., | Ste. 600 |
| Attorney's Telephone No.: _296-6820 | TOWSON, MD 21204; 29 | Phone No. |

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of ______, 19_91, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of August, 1991, at 10:30 o'clock

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over) ORDER RECEIVED FOR FILING

Paul Lee Engineering Inc. 301-821-5941

Paul Lon P. C.

#813 BOSLEY AVENUE NINTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DESCRIPTION

Beginning for the same at a point located on the south side of Bosley Avenue, said point also being located N 57045'41" E - 283 feet + from the center of York Road, thence binding on the south side of Bosley Avenue (1) N 57045'41" E - 19.00 feet, thence leaving said south side of Bosley Avenue and continuing to and passing through the center of a partition wall between #813 and #815 Bosley Avenue and continuing in the same direction in all (2) S 32014'19" E - 108.00 feet to the north side of a 16' alley, thence binding on the north side of said alley (3) S 57°45'41" W - 19.00 feet, thence leaving said north said of the 16' alley and continuing to and passing through the center of a partition wall between #813 and #811 Bosley Avenue and continuing in the same direction in all (4) N 32014'19" W - 108.00 feet to the point of beginning.

Containing 2,052 square feet (0.047 acre) of land, more or



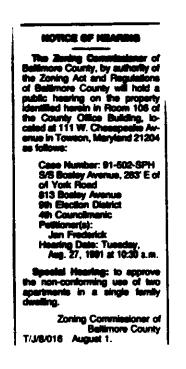
3/22/91 J.O. 91-001

91-502-5PK CERTIFICATE OF POSTE ZONING DEPARTMENT OF BALTIMORE COUNTY

- 3-

| District 94 | Date of Posting 8/19/9/ |
|--|-------------------------|
| Posted for: Special Hearing. | |
| Petitioner: Jan Froderick | 26: El Jak P.1 |
| Location of property: 5/5 305/eg 1/10 1/3 Bosley Ars. | y W 19 your La |
| Location of Signe Facing Besty for y | 10. garrer 25 Fm |
| • | Pullioner. |
| Posted by Market | Date of return: 8/16/9/ |
| Signature Fumber of Signat | |

CERTIFICATE OF PUBLICATION



TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of /____ weeks, the first publication appearing on $-\frac{\lambda}{2} \frac{1}{2} \frac$

TOWSON TIMES,

5. Zehe Olm Publisher

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

September 9, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

with Katron

Deputy Zoning Commissioner

above-captioned matter. The Petition for Special Hearing has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

887-3353

111 West Chesapeake Avenue

S. Eric DiNenna, Esquire

Towson, Maryland 21204

Dear Mr. DiNenna:

TMK:bjs

NOTICE OF HEARING

cc: People's Counsel

File

409 Washington Avenue, Suite 600

RE: PETITION FOR SPECIAL HEARING

Jan Frederick - Petitioner

in accordance with the attached Order.

(813 Boslev Avenue)

Case No. 91-502-SPH

S/S Bosley Avenue, 283' E of the c/l of York Road

9th Election District - 4th Councilmanic District

Towson, MD 21204

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $_$

THE JEFFERSONIAN.

Account: R-001-6150

H3100951

PLO LEGICAL PROPERTY. TOTAL: #85.00 LATE I WARE OF GWART : TREDERING

Zoning Commisioner

County Office Building

111 West Chesapeake Avenue owson, Maryland 21204

\$35.00

Dear Petitioner(s):

Please be advised that \$ 10.3.4.7 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office. County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND 111 West Chesapeake Avenue

Towson, MD 21204

JULY 1, 1991

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-502-SPH S/S Bosley Avenue, 283' E of c/l York Road 813 Bosley Avenue 9th Election District - 4th Councilmanic Petitioner(s): Jan Frederick HEARING: TUESDAY, AUGUST 27, 1991 at 10:30 a.m.

Special Hearing to approve the non-conforming use of two apartments in a single family dwelling.

Zoning Commissioner of Baltimore County

cc: Jan Frederick S. Eric DiNenna, Esq. 111 West Chesapeake Avenue Towson, MD 21204

July 31, 1991

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

887-3353

S. Eric DiNenna, Esquire 409 Washington Avenue. Suite 600 Towson, MD 21204

> RE: Item No. 451, Case No. 91-502-SPH Petitioner: Jan Frederick Petition for Special Hearing

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Baltimore County Government Fire Department

MAY 31, 1991

JAN FREDERICK

Item No.: 451 Zoning Agenda: JUNE 4, 1991

#813 BOSLEY AVENUE

corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site

shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

REVIEWER: Catt Logy Kelly 6391 Approved Captain W. F. Brush Akd

(301) 887-4500

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Jan Frederick 118 E. Timonium Road Timonium, MD 21093

700 East Joppa Road Suite 901

Office of Planning and Zoning

edition prior to occupancy.

Special Inspection Division

Paltimore County Office Building

Towson, MD 21204-5500

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

RE: Property Owner:

Location:

Gentlemen:

JK/KEK

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

Your petition has been received and accepted for filing this 5th day of June, 1991.

Received By:

Petitioner: Jan Frederick Petitioner's Attorney: S. Eric DiNenna

TO: Zoning Advisory Committee DATE: June 3, 1991 FROM: Robert W. Bowling, P.E.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432,, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

Robert W. Bowling, H.E., Chief, Developers Engineering Division

RWB: B

received

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: June 10, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

> Michael Prince, Item No. 420 Michael J. Maccubin, Item No. 431 Jay S. Lebow, M.D., Item No. 433 Raymond A. Ricci, Item No. 434 Terry W. Deitz, Item No. 435 Kathleen B. Thompson, Item No. 436 William Buzby, Item No. 437 Thomas P. Sisk, Item No. 441 Elmer S. Cochran, Item No. 444 Richard W. Offutt, Item No. 448 Joseph C. Hiltner, Item No. 449 Jan Frederick, Item No. 451 Joseph Klein, III, Item No. 452 Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIED.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

Mr. J. Robert Haines Zoning Commissioner

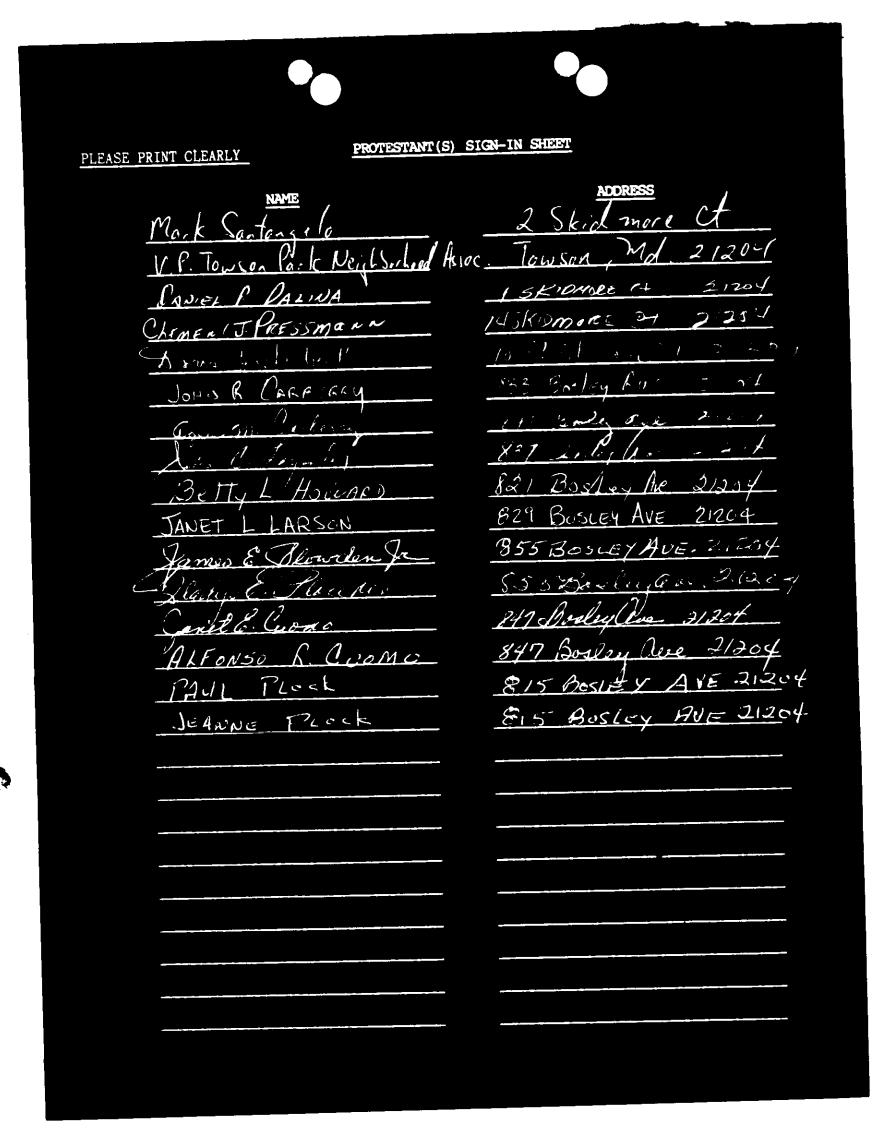
Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

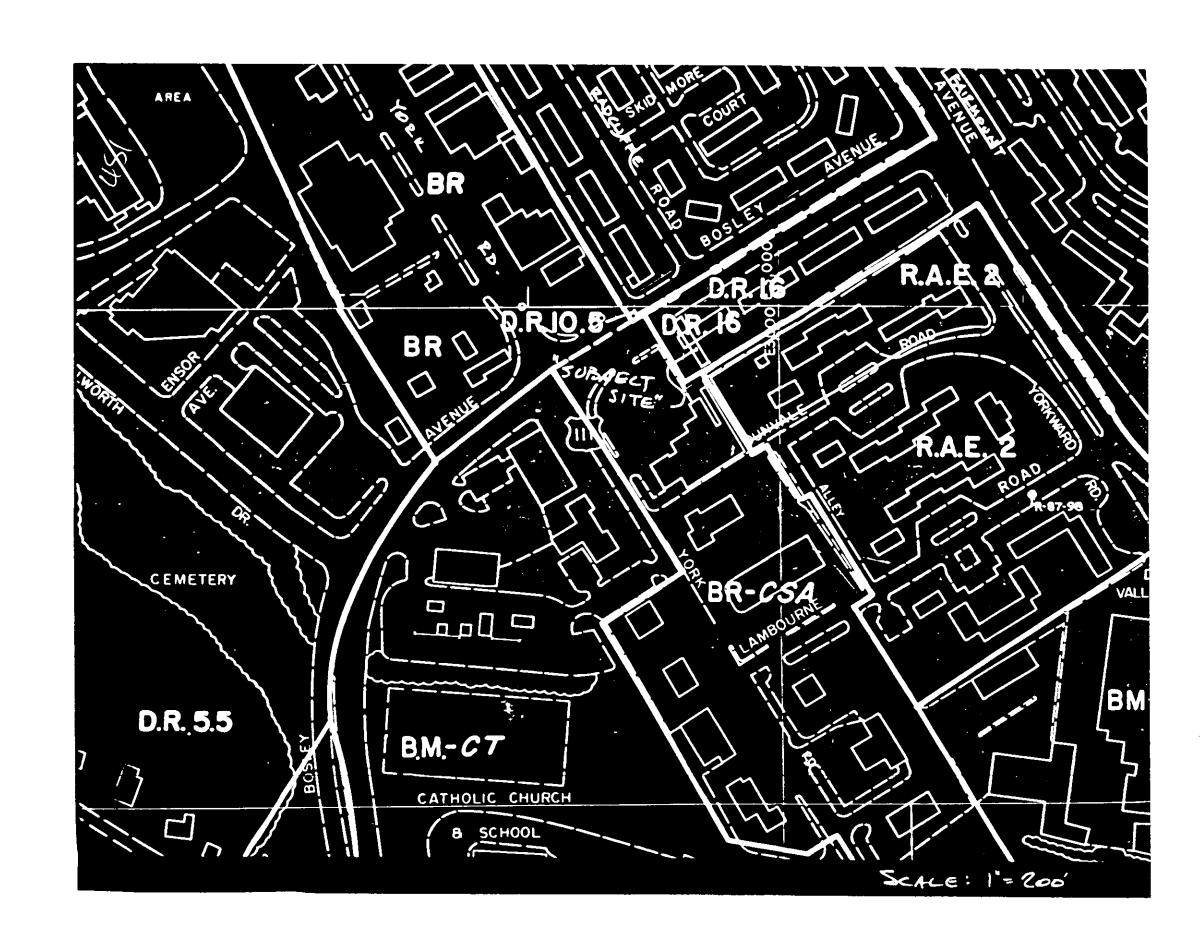
This office has no comments for items number 431, 441, 443, 447, 448, 449, 450, 451 and 453.

Traffic Engineer II

RJF/lvd



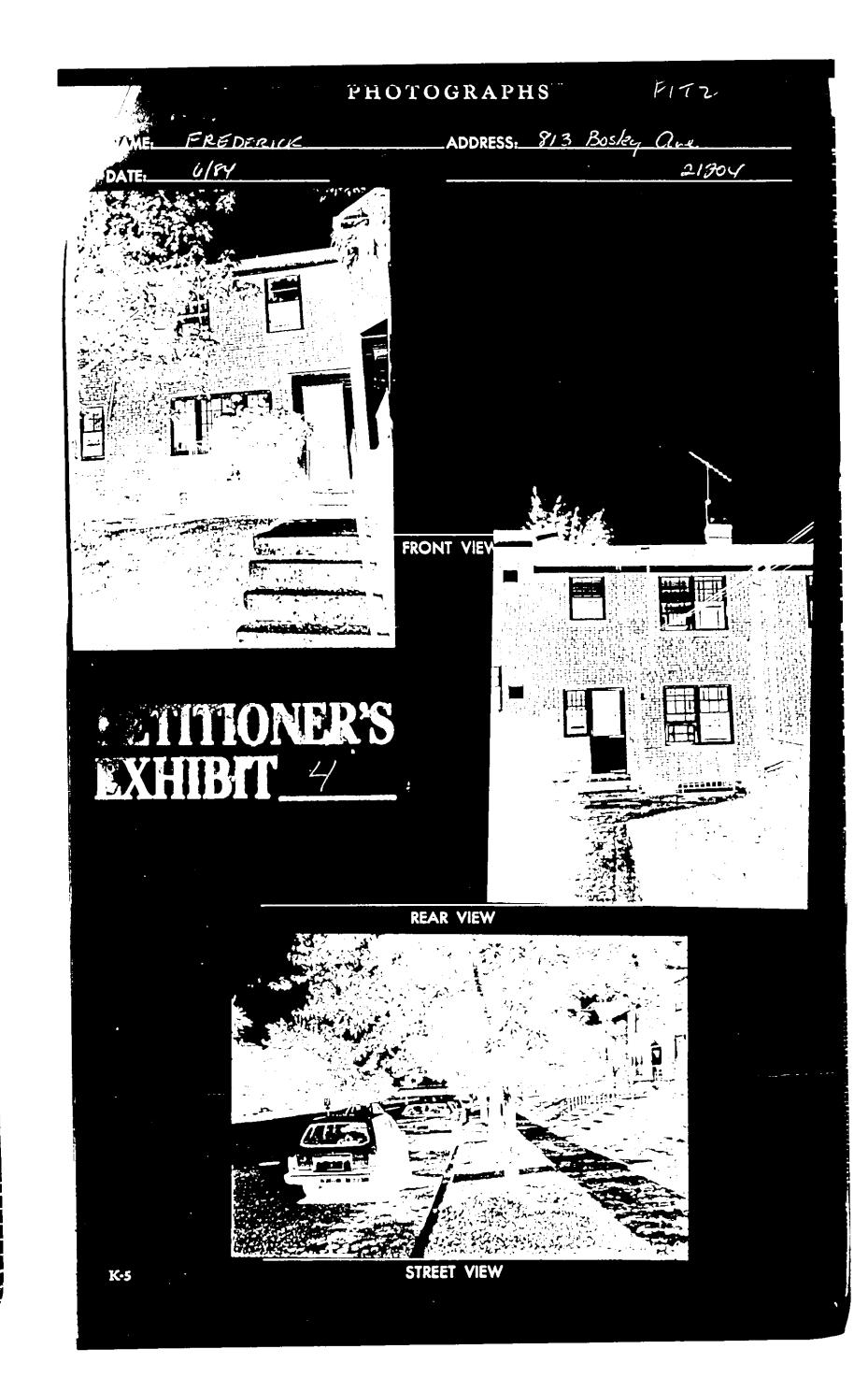




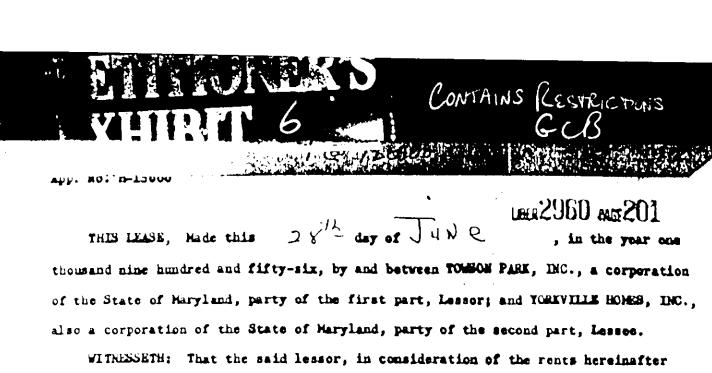
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| | (Describe) O | Access: Public [| Private Size Que! | | |
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witnesseth: That the said lessor, in consideration of the rents hereinafter expressed to be paid, does demise and lease, subject to the restrictions and conditions hereinafter set forth, unto the said lessee, its successors and assigns, all those twenty-eight (28) lots of ground situate in the Ninth Election District of Baltimore County, State of Maryland, being known and designated as Lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, in Block No. 1, as shown on the Plat of Towson Park, which plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 19 folio 110. The improvements on said lots being respectively known as Nos. 811, 813, 615, 817, 819, 821, 823, 825, 627, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 657, 859, 8ul, 6ul, 6ul, and 8ul Bosley Avenue.

BEING part of the property which by Beed dated December 10, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2405 folio 212, was granted and conveyed by Rodgers Forge Apartments, Inc. to the said Towson Park, Inc., in fee simple.

TOGETHER with the improvements thereon, and the rights and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HALD the said lots of ground unto and to the use of the said YORKVILLE HOMES, INC., its successors and assigns, subject to the conditions and restrictions hereinafter set forth, for the term of ninety-nine years, beginning on the date of these presents, it, the said lessee, its successors and assigns, yielding and paying therefor unto the said lessor, its successors or assigns, the rent or yearly sum of kinety-Six (\$96.00) Dollars each on the lots of ground hereinabove designated as Lots Nos. 2, 3, 4, 5, 0, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 20, and 27; the rent or yearly sum of One Hundred Eight (\$100.00) Dollars each on the lots of ground hereinabove designated as Lots Nos. 1, 7, 8, 14, 15, 21, and 22; and the rent or yearly sum of One Hundred Twenty (\$120.00) Dollars on the lot of ground hereinabove designated as Lot No. 28, in each and every year during the continuance of this demise, and that in even and equal half-yearly instalments accounting from the

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DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM 19ER 6 7 7 8 PAGE 1 2 0 by and between of the first part, and Bultimore County, State of Maryland, party JANICE FREDERICK, party WITNESSETH, That in consideration of the sum of SIXTY THOUSAND AND 00/100THS (\$60,000.00) DOLLARS, the receipt of which is hereby acknowledged, D RC/F 12.00

personal representatives/sucressors and assigns

and described as follows, that is to say:

party of the first part,

, in fee simple, all

D T TX 300.00 D DOCS 300.00

#21940 COO2 ROZ T11:08

Baltimore County, State of Maryland

BEING KNOWN AND DESIGNATED as Lot No. 2, in Block No. 1, as shown on the Plat of Towson Park, which Plat is recorded among the Land Records of Bultimore County in Plat Book G.L.B. No. 19, Folio 110. The improvements thereon being known as No. 813 Bosley Avenue.

BEING the same lot of ground which Deed dated May 2, 1983, and recorded among the Land Records of Bultimore County in Liber E.H.K.Jr. No. 6524, Folio 74, was granted and conveyed by Hull Klenk, Personal Representative of the Estate of Mildred E. Andrews, deceased, unto the said party of the first part, Grantor herein.

TO THE REAL PROPERTY OF THE PARTY OF THE PAR

B B117*****960D0*a 5044A

You may be represented by anyone of your choice, however, Baltimore Federal Savings and Loan Association will be represented by its attorneys, Thomas and Wilson. You have informed us of your wish to have Title Company of Maryland represent you in the examination of title, preparation of the mortgage and other loan documents, handling the loan settlement and the issuance of a mortgagee title policy assuring a first lien on the property supported by a good and merchantable title thereon, required by the Association as a condition of this loan. We are simultaneously with this commitment mailing under separate cover, to said settlement agent, our Instructions for Settlement. Since these instructions require submission of title and other information to our attorneys for review and approval and preparation of the loan documents, a settlement date is not to be set until our attorneys have given their approval of this information. As noted in the Good Faith Estimate of settlement costs we provided to you, our attorney's fee for the above services will be charged to you at settlement.

Pursuant to Federal regulations, you will be charged an initial loan charge at the time of settlement to reimburse the Association for these expenses. Please bear in mind that additional settlement expenses including the cost of any conveyancing, transfer tax, documentary stamps, recording and any fees for representing your interest in this transaction will also be charged to you at settlement.

You will be obligated for the payment of hazard insurance, taxes, special assessments or other public charges and ground rent, if any, and to establish an expense account earning interest, if required by State Law, for payment by the Association of these obligations on your behalf. See the enclosed card for hazard insurance requirements.

Future transfer of the secured property will be subject to the written consent of the Association unless the mortgage is paid in full.

All down payments and closing costs must be paid in cash. No secondary financing will be allowed. Any costs paid for by the seller may be considered as a reduction of sales price and could reduce your loan amount.

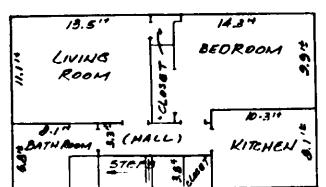
A further condition of this loan offer is that your settlement agent be furnished three days prior to settlement a current written certification from a licensed exterminator V stating that there is no evidence of termites or other wood destroying insect infestation in the property; and, if such infestation has existed, that the property has been treated and the affected material replaced. This certification must be completed on the latest HUD Wood Infestation Report form, which should be a local Pest Control Company.

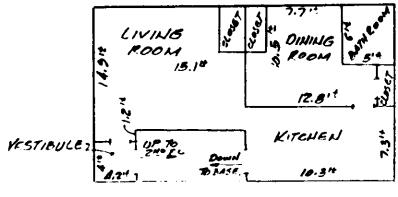
The following work must be done prior to settlement: Convert home to a 2 unit dwelling

Please notify the attorneys when all the work is finished so that they may order an Vinspection by Baltimore Federal prior to settlement.

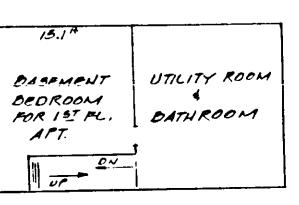
Mortgage guaranty insurance will be required on this loan and a commitment has been obtained on your behalf. The premium for this insurance will be .50% for the first year and .25% per year for each succeeding year on the declining balance.

Baltimore Federal has an easy automatic payment plan. Please read the enclosed information and return your signed authorization card and voided check so that we may enroll you in the plan prior to your first payment.





1ST FLOOR APT.



DASEMENT

* 813 BOSLEY AVENUE EXISTING ZAPARTMENT BUILDING

CONVENTIONAL INSURED PLANS 6-7 (REV 4/84)

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate

t included in purchase price will be all permanently attached fixtures including a smoke detector and Three (3) Refrigerators, existing

\$ 6,000,00 _____TOTAL CASH DOWN payment—a portion of which if any will be the deposit(s) called for in the agreement above.

TOTAL REQUIRED MORTGAGE WILL BE _______% of mortgage amount as points. Seller agrees to pay lender _______% of mortgage amount as points.

a "The Seller recognizes the Listing Broker and Grempler Realty, Inc., as the Brokers negotiating this Contract and agrees to pay said Broker a fee for services rendered in the amount called for in the listing contract. Deposit monies submitted herewith will be held in excrow in accordance with Art. 56, sec. 227A Anno. Code of Md. by.......

Green Let Realty Inc.

Both Buyer and Seller recognize the Brokers name in this contract as third party beneficianes to the extent of the commission. The party making settlement is hereby

authorized and directed to pay the brokerage lee to Listing Broker. The foregoing authorization and direction is for the convenience of the parties only. It is understood and agreed that the right of the Broker to its commission accrues upon the signing of this Contract of sale.

Buyer and Seller acknowledge that Grempler Realty, Inc. has made no representation regarding the property except for information furnished by Seller. In the event of any litigation between Seller and Buyer concerning return of deposit monies, Grempler Realty, Inc.'s sole responsibility may be met, at its option, by paying the deposit monies into the registry of the court in which such litigation is pending, and the parties agree that upon payment of such deposit monies into court, neither Buyer nor Seller shall have any further right, claim, demand or action against Grempler Realty, Inc. in the event of any dispute between the parties hereto (specifically including, but not limited to any dispute respecting any deposit hereunder), and if any law suit is field by either party, the parties agree that if the Realtor herein is a named party to said suit, then and in that event, the Realtor's attorney shall paid a reasonable attorney's les in connection therewith, by the parties hereto.

Notice to Buyer & Seiler: The recovery of compensation from the real estate guaranty fund

PETITIONER'S

of the Maryland Real Estate Commission is limited to an amount not to exceed \$25.000 for

The conditions on reverse eide of this Contract and any addendums if applicable form a part of this contract of sale.

and void and all monies on account shall be returned to the buyer. I has contract to produce the difference in the above price.

pay such additional cash at time of settlement as will be necessary to secure a loan for the difference in the above price.

If condominum please complete special addendum, which shall become a part thereof:

Buyer to pay real estate commission to Grempler Realty, inc.

CONDITIONS #\$15,000.00 to be paid at time of settlement for furniture.

furniture, Three (3) ranges, curtain rods, seperate meters, existing air conditioners, existing

Grampler Multiple List Affiliate # 5400

Baltimore County

balance to be paid as follows

window coverings

Counselor's Name Jon Frederick

813 Bosley Avenue, Towson, Maryland

ventied any factors relating to zoning, covenants, or use which could effect this property

at and for the price of ______ Sixty Thousand ========

Settlement shall be on September 30, 1984

with improvements thereon and all the rights and appurtenances thereto belonging, or in anywise thereto appertaining

REALTY, INC.

2HD FLOOR AFT.

AS WITNESS my hand and Notarial Seal.

My Cornission Expires: Luly 1, 1774

AFFIANT (Handwritten Signature)

AFFIDAVIT

Commissioner of Baltimore County, as follows:

indicating yes or no in the space provided:

STATE OF MARYLAND, COUNTY OF HALTIMORE, to WIL:

the home located at \$13 Booley Cave

hearing is scheduled in the future with regard thereto.

The undersigned hereby affirms under the penalties of perjury to the Zoning

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public

Based upon your personal knowledge, please answer the following questions by

1. Can you verify by this afMdavit, and/or testify in Court if necessary, that

has been occupied as a livo (two, three, etc.) apartient dwelling since

2. Can you also verify and testify, if necessary, that sold apartments have

been occupied by renters every year since (Ecuth)

3. Will you realize any gain from the sale of this Property?

(answer)

1 HEHEBY CERTIFY, this 26 day of July 1991, before me, a Notary Public of the State of Maryland, in and for the County the Affiant herein, personally known or satisfactorily identified to me as such

Affiant, and made cath in due form of law that the matters and facts hereinabove

set forth are true and correct to the best of his/her knowledge and belief.

Sept 1956 (two, three, etc.)

(nonth) (year) (answer)

| | | LIGER 2995 PAGE 13 |
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| | | lawyers litle |
| ASSIGNMENT—CODE—CITY OR COUNTY—W | | Insurance Corporation P. Inmored Viewnia |
| This Deed. Made this | 13tn | day of Aurust |
| in the year one thousand nine hundred a | nd fifty-six | by and between |
| YORKVILLE HOMES, DW., a body com- | orate | |
| of | ** the S | tate of Maryland, of the first part, and |
| HALL KIRNY AND MARGARDI KERNY, bis | s wife, purbles | . |
| DOUTHENTARY BOTCHENTARY BOTCH | | CALCULATION OF THE PARTY OF THE |
| Witnesseth, That in consideration of | of the sum of the state of | Halling that is the material and the second of the second |
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CHARLES CENTER . P.O. BOX 1475 . BALTIMORE, MARYLAND 21203

Customer Relations Department

August 28, 1989

Janice J. Frederick 813 Bosley Avenue Baltimore, MD 21204

Dear Ms. Frederick:

I am sending the information you requested concerning 813 Bosley Avenue.

Electric Mtr # G661110 Supplies 1st Floor Installed 8/1/56 Electric Mtr # D659605 Supplies 2nd Floor Installed 8/1/56 Gas Meter # 732890 Supplies 1st Floor Installed 1/1/69

If you have any further questions, please contact me at 234-6555.

Sincerely,

K. D. Smith

KDS:jcw

PETITIONER'S

Customer Representative

TPCC Towson Park Community Corporation P.O.Box 36542 Baltimore, Maryland 21286

J. Robert Haines Zoning Commissioner Baltimore County 111 W. Chesapeake Ave. Towson, MD 21204

August 26, 1991

Re: Case 91-502-SPH, 813 Bosley Ave.

Dear Mr. Haines:

After much discussion by our Executive Committee and after receiving input from our residents, Towson Park Community Corporation has decided to oppose approval of the non-conforming use of 813 Bosley Ave. as two apartments. Our reasons for this opposition are as follows:

1. Approval of this request would establish a dangerous precedent for other property owners in our neighborhood who would also like approval to use their properties as two-apartment dwellings.

2. Since it is our understanding from Baltimore County Zoning Enforcement officials that each apartment would be considered a separate living unit, the potential would exist (if this request is approved) for four (4) unrelated persons to legally reside at 813 Bosley Ave. (two persons in each apartment). For any other home in the community, this would constitute a rooming house violation. It would therefore be unfair to allow this property such preferential treatment in a neighborhood which was intended to consist of single-family homes. There are certainly an ample number of apartment complexes in the area providing sufficient rental opportunities without the need for approving this use in Towson

3. It is our understanding that a property is entitled to approval of this non-conforming use only if it was built prior to March, 1955 which is the date the current Baltimore County Zoning laws took effect. In checking the County Land Records, we have determined that 813 Bosley Avenue was not built until 1956 and it is therefore not entitled to approval of this non-conforming use.

For the reasons stated above, Towson Park Community Corporation urges you to deny this request.

Very truly yours.

Harl Thelins Joseph L. Jenkins, President

